

**Patent****R E M A R K S****I. Introduction**

Claims 1-5, 8-15, and 17-19 are pending in the application. All pending claims stand rejected. In particular, claims 1, 5, 8-14, and 17-19 stand rejected under 35 U.S.C. §102(e), as being anticipated by U.S. Patent Publication No. 2002/006,3735 (hereinafter “Tamir”), and claims 2-4, and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tamir in view of Official Notice regarding web activity monitoring

Upon entry of this amendment, which is respectfully requested, claims 1, 4-5, 12-13, and 18-19 will be amended to more distinctly claim current embodiments. No new matter is believed added by this amendment. Support for all amendments exists in the specification and claims as originally filed, and all such matter has previously been searched by the Examiner.

Applicant thanks the Examiner for the acknowledgement that the previously cited Gerace reference does not teach or suggest elements of the claimed embodiments. Applicant respectfully asserts that the newly-cited Tamir reference also fails to teach or suggest elements of the claimed embodiments, and Applicant respectfully requests reconsideration and further examination of the pending claims in view of the arguments presented herein and in accordance with 37 CFR §1.112.

***A. Summary of Amendments***

As discussed in previous responses, some embodiments relate to a method or device which allows the automatic reconfiguration of a browser associated with a user device based on network activity of a user. To advance the case, Applicant has amended claim 1 to clarify that this reconfiguration is performed by the user device. That is, pursuant to some embodiments, the user device detects network activity, measures a characteristic of the activity, and then automatically reconfigures the browser based on the characteristic. Support for this amendment is provided throughout the specification and claims as filed. Independent claims 18 and 19 have been amended in a similar manner.

Further, each of the independent claims has been amended to recite that the network preference information includes information identifying one of a plurality of network sites.

**Patent**

Examples are provided throughout the application as filed. For example, as described at page 15, line 30 to line 16, line 9, if a user spends most of her time at www.bloomberg.com, the user's browser may be reconfigured to establish www.bloomberg.com as a preferred network site by adding the network address to a list of 'Favorites' or by establishing the network address as the user's default or starting home page.

Dependent claims 4 and 5 are amended to be consistent with the language in claim 1 as amended. Dependent claim 13 is amended for a similar reason.

**II. The Examiner's Rejections****A. Rejection of claims 1, 5, 8-14 and 17-19 under 35 U.S.C. §102(e) over Tamir**

The Examiner rejects claims 1, 5, 8-14 and 17-19 over the Tamir reference. Applicant respectfully asserts that Tamir fails to teach or suggest embodiments as recited in amended independent claims 1, 12, and 18-19. In particular, Tamir fails to teach or suggest a method, device, code or system that (1) automatically reconfigures a browser on a user device based on network activity detected and measured by the user device, or (2) automatically reconfiguring the browser by adjusting network preference information including information identifying a network site.

Applicant respectfully asserts that Tamir is more like the previously-cited Gerace and Barrett references than the currently claimed embodiments. That is, like Gerace and Barrett, Tamir requires that each user register or connect with a server system that tracks the user's activity. Briefly, Tamir operates as follows:

- (1) a user registers with a server system and the server system assigns the user an ID allowing the server system to track the user's activities;
- (2) the server system assigns every web site an ID allowing the server system to track each user's activities at the web site;
- (3) the user must log into the server system prior to visiting desired web sites;

**Patent**

(4) the server system tracks the web sites visited by each user by storing and recording information at “content”, “download” and “application” servers remote from the user device;

(5) the server system determines how the user prefers to view each website and other preferences; and

(6) the server system configures the user’s browser using “communication servers” that generate instructions based on the user’s prior activity to cause a web display application to execute instructions to change the user’s browser settings and appearance. (See, e.g., the summary at paragraphs [0006] through [0014]; also see the discussion of logging in to the server system prior to visiting web sites at paragraphs [0038], [0049] and [0058]).

That is, each of the actions performed by the system of Tamir requires the involvement of a set of servers coupled between the user device and Internet sites visited by the user. As discussed previously by Applicant, a complex server-based system that customizes the presentation of information for users is not the same as a user device that automatically reconfigures its browser based on network activity measured and detected by the user device.

Embodiments of the present invention provide an automatic method of reconfiguring a user device that does not require additional expensive and complicated server systems, avoids divulging potentially sensitive and private information of a user to an intermediary server system, and does not require that a user log in to a server system prior to accessing desired network sites. Applicant respectfully asserts that each of the claims are patentable over Tamir at least because Tamir fails to teach or suggest the use of a user device that performs the detecting, measuring and reconfiguring. Further, there is simply no teaching or suggestion in Tamir to modify Tamir to provide such a feature.

Applicant further notes that the claims are patentable over Tamir at least because Tamir fails to teach or suggest a system wherein said network preference information at least includes information identifying one of a plurality of network sites. As an illustrative example, pursuant to currently claimed embodiments, a web site frequented by a user may be automatically established as one of the user’s “favorites”, allowing the user to quickly visit the site without

**Patent**

needing to type in the URL. In other words, information identifying a web site (*e.g.*, the “Favorites” information) may be adjusted by current embodiments.

Tamir, on the other hand, only describes customizing the presentation of information. (*See, e.g.*, paragraph [0038]). While Tamir does present such customized information for each web site indicated by the user, this is not the same as adjusting information identifying the web sites. For example, Tamir may cause the “presentation” of a particular web site to satisfy a user’s preference (including a web site stored as a user’s “Favorite”), but does not describe adding or removing the web site from the “Favorites” list. Further, there is simply no teaching or suggestion to modify Tamir to provide such a capability.

Applicant therefore respectfully requests that the §102(e) rejection of amended independent claims 1, 12, and 18-19 be withdrawn.

Dependent claims 2-5, 8-11, 13-15, and 17 are believed patentable at least as depending from patentable base claims (claims 1, 12, and 18-19), and for reasons similar to those presented in conjunction with amended independent claims 1, 12, and 18-19 herein. Accordingly, Applicant respectfully requests withdrawal of the outstanding §102(e) rejection of dependent claims 2-5, 8-11, 13-15, and 17.

**B. Rejections Under 35 U.S.C. §103(a)**

The Examiner states that “Tamir et al. does not explicitly disclose that the characteristic of user activity measured by the system includes the number of keystrokes entered into a client device while visiting a network site.” (Paper No. 12, pg. 5, lines 4-6). The Examiner goes on to take Official Notice of on-line advertisers tracking “click-through patterns” at a web site.

Applicant respectfully notes that tracking “click-through patterns” is not the same as recording “keystrokes”. Keystrokes include information entered into (and/or otherwise associated with) a keyboard (or other input device). “Clicks” (as the word is used in the advertising industry) are requests for various web sites. In other words, advertisers are able to track “click-through patterns” because the click of a mouse on a designated HTML link calls a

**Patent**

certain URL. Advertisers track the URL requested by the user, not the actual “click” of the mouse. As an example, if a user “clicks” an area not associated with a URL address (or clicks somewhere off the screen, for example), advertisers would not be able to track the actual click of the mouse. Keystrokes are not generally associated with calling URL addresses and are thus not able to be tracked in the same way “click-through patterns” are. In other words, when a user types a word or sentence using a keyboard (*e.g.*, to chat with a friend at a web site), no URL is called and advertisers would accordingly not be able to track the “keystrokes” in the same manner that “click-through patterns” are recorded.

Accordingly, Applicant respectfully asserts that the Official Notice fails to make up for the deficiencies of Tamir (*e.g.*, with respect to dependent claims 2-4 and 15). Applicant respectfully asserts that the cited references fail to anticipate (or render obvious) embodiments as recited in dependent claims 2-4 and 15, at least because the cited references fail to teach or suggest recording a number of keystrokes entered at a web site.

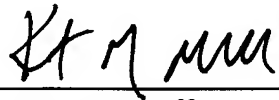
At least for these reasons, Applicant respectfully requests that dependent claims 2-4 and 15 be allowed.

**Patent****III. Conclusion**

Accordingly, Applicant respectfully asserts that each of the pending claims is patentable over the cited references. Applicant therefore respectfully requests that all pending claims be allowed. Applicant's silence with respect to other comments made in the Office Action does not imply agreement with those comments. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at 203-972-0081.

Respectfully submitted,

June 24, 2004  
Date

  
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